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RIGHTS AT WORK

NOTES FOR TUTORS

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NOTES FOR TUTORS

RIGHTS AT WORK

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INTRODUCTION

The course materials for Rights at Work consist of:

- * 13 separate printed booklets (latex-bound and punched so that they can be kept in a file)
- * in the first print, the discovery exercises were only duplicated. In the second print, the discovery exercises represent the 13th booklet
- * a selection of duplicated case studies

Sets of the printed booklets will be available for each student to act as resource material during the course, and as a 'reference' book after the course.

The case studies are provided as 'master copies' to be reproduced in sufficient student numbers by the tutors.

As from the second print-run of materials (March 1980) each student 'set' of 13 booklets will arrive from the printers unseparated as one latex-bound 'volume'. It is strongly recommended that tutors separate out the 13 booklets themselves and hand them out separately week by week. Each booklet has a colour cover with cartoon, so the process of separation is fairly easy. To hand out the whole set of material at the beginning would be daunting for most students.

The booklet of discovery exercises can either be handed out to students to keep, with the tutor directing students to the appropriate activity each week. Or tutors can keep the booklets and extract and hand out the appropriate activity each week.

These tutors notes describe the overall aims and methods of the course and the job of the tutor in turning these course materials into a successful course. The notes are divided into two parts. The first part deals with the overall approach to the course, in terms of aims, structure and methods, and how to plan a course.

The second part gives brief notes on using individual sections of the course.

PART ONE: THE OVERALL APPROACH

AIMS

The broad aims of this course are:

- 1 to provide a follow-up to the basic course in terms of supporting the development of trade union organisation and collective bargaining
- 2 to examine critically the extent to which the law can help in this process
- 3 to develop a trade union approach to the law
- 4 to develop the relevant analytical, organisational and information skills necessary to achieve the above aims

The aim is not to study 'the law' but to set the law in a wider perspective of union objectives and collective bargaining. This has implications for the structure and method of the course, which are discussed below.

As with all other TUC courses, the course has a strong emphasis on the development of skills, and its success will be evaluated by the activity that results in the real world.

STRUCTURE

Since the aim of the course is to focus on the development of trade union organisation and collective bargaining, and to examine the role the law can play in this process, the course has been structured round broad areas of union objectives, rather than round 'laws'.

The main sections of the course are:

- Union organisation
- Discipline and dismissal
- Wages and conditions
- Job security
- Women's rights
- Equal opportunities and race relations
- Disclosure of information
- Social security

In each of these sections the starting point is trade union objectives. There is a critical examination of the role the law can play in meeting these objectives. A major part of each section is concerned with trade union strategies that build on the law or overcome weaknesses in the law.

There are two more general sections at the beginning of the course on Collective Bargaining and the Law, and the Contract of Employment, which establish a trade union approach to the law and explore the differences between the legal and the trade union approach to rights at work.

There are also two reference sections on Skills and The Legal Framework which are used as resource material throughout the course.

The Skills section is discussed later in a greater detail as part of the discussion of methods.

The section on The Legal Framework contains general descriptive material about the way the legal system works - different types of law, the structure of the system of courts and so on - and more detailed information about the framework of employment law - how tribunals work, the role of bodies like ACAS and the Central Arbitration Committee, what a code of practice is, etc. The idea is that this material is fed in to the course where it is relevant, rather than dealt with as a block of information.

THEMES

There are strong links in terms of 'themes' between all the sections. The key themes are:

DEVELOPING A TRADE UNION APPROACH TO THE LAW

The foundation for this is established in the sections 'Collective Bargaining and the Law' and 'The Contract of Employment'.

Current employment law is set in the historical context of the struggle of workers to get organised in the face of opposition from employers and the law. The law's emphasis on 'individual rights' and 'contract' is related critically to the trade union emphasis on collective rights and collective bargaining. In terms of current employment law, the emphasis is on seeing the law as one possible 'tool' or source of standards that might sometimes help in developing trade union strategy. It is stressed that the way to enforce legal standards at the workplace is through union organisation and bargaining, rather than through the legal machinery of tribunals, etc.

This approach is then 'Put into practice' in the sections and activities that follow. You will find more detailed comments on this on pages 6-9 of these notes.

BUILDING EFFECTIVE UNION ORGANISATION

The importance of strong trade union organisation as a basis for establishing, defending and improving all rights at work is stressed at the beginning of the course and then recurs throughout. Different sections of the course raise different aspects of union organisation. For

example the sections on Job Security and Disclosure of Information raise the question of company-wide trade union organisation; the sections on Women's Rights and Equal Opportunities and Race Relations highlight the general importance of trade union unity and solidarity; problem-solving exercises and case studies relating to all sections of the course raise questions of trade union strategy at the workplace, relations with members, organisational skills of negotiating, running meetings, etc.

EXTENDING THE RANGE OF COLLECTIVE BARGAINING

The importance of extending collective bargaining and developing trade union strategies to cover a wider range of issues is another theme that runs through every section. The sections of Job Security and Disclosure of Information inevitably raise the question of extending union influence into areas of managerial prerogative. Also important here are the questions raised by Women's Rights and Race Relations; effective trade union action here can require strategies on a wide range of issues which traditionally have not been high union priorities.

EQUAL OPPORTUNITIES

The development of effective trade union strategy on equal opportunity is an important 'sub theme' of the course, focusing round the sections on Women's Rights and Equal Opportunities and Race Relations. These sections are also, as indicated above, key sections in relation to the two themes of 'building effective union organisation' and 'extending the range of collective bargaining'. As such these sections are an integral part of the course, whether or not students feel that they personally have immediate problems in these areas.

While the theme of 'equal opportunities', and in particular the rights of women and black and immigrant workers, is concentrated mainly in these two sections, conscious attempts have been made to integrate this theme throughout the whole course. This should prevent students from seeing it as a 'separate issue'. For example, maternity (and paternity) leave have been included in the section Wages and Conditions. There is also an option of a case study dealing with negotiating a maternity leave agreement as part of the day on Disclosure of Information. Two case studies on dismissal that can be used as part of the day on Discipline and Dismissal deal with the problems of a pregnant woman facing dismissal, and of an immigrant worker who cannot read English.

Tutors will need to give some careful thought to the way in which they handle the Equal Opportunities theme throughout the course.

METHODS

The approach of the course is student-centred. The essence of this approach is that:

- * the learning process starts from and builds on the experience of the students

- * students learn through cooperative group activity and discussion, rather than through 'passive' lectures
- * the activities on the course mirror the activities students are involved in as shop stewards in the real world

The main vehicles in terms of methods for a student-centred approach are:

- * discovery exercises between weeks
- * group activity each day of the course

DISCOVERY EXERCISES

'Discovery exercises' between weeks involve students finding out information about, or making an assessment of, their current workplace situation. Review of this work in the day ensures that every part of the course starts off from the students own experience, problems and priorities.

GROUP ACTIVITIES

The major part of each day of the course will be allocated to a range of group activities or exercises that give students an opportunity to think out issues for themselves and learn for themselves in a cooperative way that reflects how they will work as union representatives in the workplace. This activity is crucial to developing the range of skills that stewards will need after the course has finished.

A number of the activities involve a role-play element - preparing and giving a report to the shop stewards' committee; running a shop stewards meeting; preparing a negotiating case and negotiating with management. (Some of these role-playing activities are included in the printed course materials. Examples of other kinds of role-playing activities are supplied as supplementary case studies. The preparation and use of case studies is discussed in more detail later in these notes.)

DEVELOPMENT OF SKILLS

It is through these activities that students develop their skills as shop stewards. Examples of the range of skills involved are listed below under the broad headings of 'analytical', 'information', and 'organisational' skills.

Analytical skills

- * thinking strategically about union objectives and priorities
- * comparing your experience with that of others
- * reviewing agreements in relation to legal standards and trade union standards
- * thinking strategically about the use and relevance of the law
- * questioning assumptions

Information skills

- * knowing where to find information (on trade union standards and legal standards)
- * reading and understanding legal material
- * gutting documents for key points
- * summarising complex information
- * writing notes and reports

Organisation skills

- * reporting to a meeting
- * running a meeting
- * preparing a negotiating case
- * negotiating with management

The Skills section is an important back-up to the development of these skills, particularly the information and organisational skills. The section covers the following skills:

- using an Act of Parliament
- making a report
- running a meeting
- negotiating with management
- information

The section is a 'resource' that is used throughout the course, usually as a back-up to certain exercises and case studies. Where part of the skills section is needed as a resource for a particular exercise or case study, this is indicated in the printed material or in the case studies.

DEALING WITH THE LAW

There is a danger when dealing with the law on shop stewards' courses that the trade union approach of seeing the law as secondary to trade

union organisation and collective bargaining becomes little more than a 'preface' or 'conclusion' to sessions on 'the law' itself, which are often put across in a fairly traditional 'tutor-centred' manner. The law is treated as a rather abstract entity to be understood, criticised, and often discarded as 'weak' and 'full of loopholes'. The disadvantages of this approach are that it tends to be negative and tutor-centred, failing to give students any clear idea of what a trade union approach to the law means in the practical terms of their role at the workplace.

A major objective in establishing the method of this course has been to ensure that when students deal with the law it is never in the abstract, but always in the context of strategic thinking on trade union organisation and negotiation. Following the 'student-centred' approach, the method of this course has derived from asking the question 'how and when might shop stewards need a knowledge and awareness of the law in their role as a union representative'. The following broad categories of situations can be identified:

- using the law as one source of 'standards' against which to measure current agreements and practices and set negotiating objectives
- making decisions as to whether the law would provide any useful 'back-up' arguments in negotiation
- using the law as a 'lever' with members or with management to help introduce new negotiating objectives (eg on equal opportunity)
- taking strategic decisions on how to respond to management's use of legal arguments in negotiations
- putting across a trade union approach to the law to their members (eg discouraging use of tribunals, explaining the importance of defending the legal 'immunities' of trade unions)

In all these types of situations, stewards may want to find out more about the law. They may see knowledge of the law as one possible resource in a problem-solving situation.

The method of dealing with the law in this course is to reflect these ways in which students may use a knowledge of the law in the real world. Three examples of exercises or case studies from the course will help to illustrate this approach.

- 1 The law on guaranteed earnings is dealt with through an exercise which involves using the law as one source of 'standards' against which to review a collective agreement and set objectives for improving the agreement (see Wages and Conditions, page 22). No extensive tutor input describing and evaluating the law is required. Information on the law is provided as part of the resource material to be used by students during this exercise - along with information on current trade union standards and practice. This exercise involves a complex range of analytical, information and organisational skills, including:

- * reviewing an agreement
 - * gutting resource material on the law and on agreements to extract basic legal and trade union standards
 - * thinking strategically about objectives and priorities in the light of this information
 - * participating in a shop stewards meeting
- 2 The law on time-off is introduced, not as isolated information, but as resource material to be used in tackling a series of workplace problems on time-off, where management is attempting to use the law to back up their case (see Union Organisation, pages 21 - 23). Once more there is no need for extended tutor input 'explaining' the law. One of the skills which the exercise develops is the skill of understanding and evaluating legal resource material. The range of skills involved in the exercise includes:
- * thinking clearly about union objectives
 - * understanding and evaluating legal material (including extracts from the law, and Codes of Practice)
 - * thinking strategically about the extent to which they should rely on the law to argue their case with management (and the conclusion here may be 'not at all')
 - * preparing a report setting out their recommendations
- 3 The third example relates to a supplementary case study on pregnancy dismissal that can be used as part of the day on Discipline and Dismissal. There is relevant law here as the students will have discovered earlier in the day; and the law is in fact very much on the side of the union in this particular case. The activity of preparing a case and role playing a negotiation however raises in very concrete form the strategic question of the extent to which union negotiators should rely on the law to back up their case. Management's line may well be 'if your case is that good, take it to a tribunal'; and tribunals cannot guarantee the job security that is the trade union objective. This negotiating case study therefore brings home in a concrete way the vital role of trade union organisation and membership backing in enforcing 'legal' rights, and the dangers of too great a reliance on legal arguments in negotiations.

This method of dealing with the law should encourage stewards to treat the law critically, and not to become over-legalistic in their arguments merely in order to display acquired 'knowledge'. At the same time it should also guard against a reflex or automatic dismissal of the law as 'irrelevant' and 'full of loopholes'. Many aspects of the law have both strong and weak points in terms of the standards they set (eg the law on

guaranteed earnings). Moreover many of the weaknesses of the law relate to enforcement procedures, and these weaknesses become less relevant if the law is being used as a source of standards or as a possible negotiating tool, rather than as a method of enforcing 'rights'.

In terms of activity following on from the course, the methods of the course should ensure that stewards have the confidence and skills to find out about legal standards and provisions, to understand them, and to make critical evaluations of their relevance and usefulness from a trade union perspective.

THE ROLE OF THE TUTOR

The tutor's role is that of planning and structuring a course, developing additional material and case studies where appropriate, and guiding and advising students as they carry out various activities. Even where substantive legal points are being dealt with, tutor input in the form of 'lectures' is limited to an absolute minimum. The emphasis is on students finding out and assessing legal standards themselves by using resource material provided. This approach is essential if students are to develop during the course the kinds of information and analytical skills that they will need after the course has finished.

Careful planning and preparation by the tutor of the course as a whole and of each particular day (in terms of aims, methods and materials used) is vital to the success of the course. The next part of these notes looks in more detail at what this involves.

PLANNING A COURSE

The course material is not presented in a 'days 1 - 10' format. Although there are 10 substantive sections (apart from the reference sections on The Legal Framework and Skills), the length of these sections varies. Some are designed to take less than a day (eg The Contract of Employment and Social Security); some are designed to take roughly a day (eg Wages and Conditions, Discipline and Dismissal, Job Security); the section on 'Union Organisation' is the longest and requires at least 1½ days (and even then this means using the material selectively).

This means that tutors need to give careful thought to planning the overall timetable of a course. Two possible timetables are shown on pages 10 and 11, but it should be stressed that tutors will want to build up and modify their own timetables in the light of experience.

The timetable on page 10 takes a 'section by section' approach. The timetable on page 11 is rather more complex, involving certain sections being 'merged' in with other sections. It also deals with Women's Rights and Race Relations at different ends of the course, rather than 'lumping' them together.

The order on the first few days of the course, followed on both timetables, has a certain logic in terms of establishing the trade union approach and building up an understanding of the basic legal framework and concepts.

SUGGESTED TIMETABLE

DAY 1	COLLECTIVE BARGAINING AND THE LAW - trade union attitudes - historical background	COLLECTIVE BARGAINING AND THE LAW - agreements and the law - basic legal framework	
DAY 2	THE CONTRACT OF EMPLOYMENT - common law - statute law and written statements - the union approach	USING AN ACT - understanding the layout - checking interpretations - making a checklist	
DAY 3	UNION ORGANISATION (- recognition) - the closed shop	UNION ORGANISATION - time off (case study) (- protection against victimisation)	
DAY 4	DISCIPLINE AND DISMISSAL - trade union approach - ACAS Code and law on unfair dismissal	DISCIPLINE AND DISMISSAL - how law has been interpreted - negotiating case study	
DAY 5	WAGES AND CONDITIONS - overview of law - exercises on using law (eg schedule 11, maternity, guaranteed earnings)	WAGES AND CONDITIONS - exercises/case study continued	
DAY 6	JOB SECURITY - trade union approach - redundancy consultation	JOB SECURITY - handling unavoidable redundancies - job security agreements	
DAY 7	DISCLOSURE OF INFORMATION - trade union needs - relevance of law	NEGOTIATING CASE STUDY	
DAY 8	WOMEN'S RIGHTS - trade union approach - women in the union - the law	WOMEN'S RIGHTS - negotiating strategies	RACE RELATIONS - trade union approach
DAY 9	RACE RELATIONS - negotiating for equal opportunity - campaigning against racialism	UNION ORGANISATION Part 2 - industrial action and the law	
DAY 10	SOCIAL SECURITY - basic framework - advising members on rights	COURSE REVIEW	

DAY 1	COLLECTIVE BARGAINING AND THE LAW - trade union attitudes - historical background - current changes to the law		COLLECTIVE BARGAINING AND THE LAW - agreements and the law - basic legal framework	
DAY 2	THE CONTRACT OF EMPLOYMENT - common law - statute law and written statements - the union approach		USING AN ACT - understanding the layout - checking interpretations - making a checklist	
DAY 3	UNION ORGANISATION - recognition - the closed shop		UNION ORGANISATION - time off (case study)	
DAY 4	UNION ORGANISATION - protection against victimisation	RACE RELATIONS - trade union approach	RACE RELATIONS - negotiating for equal opportunity - campaigning against racialism	
DAY 5	DISCIPLINE AND DISMISSAL - trade union approach - ACAS Code and law on unfair dismissal		DISCIPLINE AND DISMISSAL - how the law has been interpreted - negotiating case study	
DAY 6	JOB SECURITY - trade union approach - case study on strategies for defending job security		JOB SECURITY - case study involving disclosure of information	
DAY 7	JOB SECURITY - overview of the law - redundancy consultation		JOB SECURITY - Redundancy Payments Act - job security agreements	
DAY 8	WAGES AND CONDITIONS - overview of the law - sick pay		WAGES AND CONDITIONS - case studies on maternity, guaranteed earnings	
DAY 9	WOMEN'S RIGHTS - trade union approach - women in the union - the law		WOMEN'S RIGHTS - negotiating strategies	UNION ORGANISATION Part 2 - industrial action
DAY 10	UNION ORGANISATION Part 2 - industrial action and the law		COURSE REVIEW	

In this timetable, the section on Disclosure of Information would be 'merged' with two days on Job Security. The section on Social Security would be used on appropriate days where relevant - eg Job Security (unemployment benefit), Wages and Conditions (sickness and maternity benefit), Union Organisation (social security and strikes).

The first three days are important for establishing the basis of the trade union approach. After the introductory section, the section on The Contract of Employment stands as an illustration of the vital difference between the collective trade union approach to workers' rights and the individualistic approach of the law. It is also a key section for giving students a basic understanding of some key principles of common law that will crop up again in many later sections of the course. Given the emphasis of the whole course on the importance of union organisation as a basis for establishing rights at work, it is appropriate that the section on Union Organisation should come near the beginning of the course.

There is no provision in the timetable for a visit to an industrial tribunal, for a number of reasons:

- * the focus of the course is on trade union, not legal, enforcement of 'rights'
- * tribunal visits can be very time-consuming and a 10-day course is short enough as it is
- * many courses might have practical problems arranging a tribunal visit that did not develop into a major excursion

However, this is clearly an issue on which tutors must use some discretion. If students express very strong views for attending a tribunal, and such a visit is feasible, then tutors may wish to consider planning in a visit. If this is done tutors will need to

- a) consider carefully the educational aims of the visit. This means giving students clear guidance as to what issues they should be considering during the visit, and allocating class time for a discussion of these afterwards. (Appendix B of the section The Legal Framework describes how a tribunal hearing works, and sets out a list of possible discussion questions.)
- b) consider carefully the implications of the visit for the rest of the timetable. A tribunal visit should not be used to 'ease out' whole sections of the course (particularly Women or Race). But clearly some sections would have to be curtailed to make time-table space.

PLANNING A DAY

Each day of the course requires careful planning and preparation by the tutor. It is not possible simply to 'work through' a printed booklet from beginning to end. In a number of sections, the material needs to be used selectively; on a number of days, supplementary case studies need to be introduced; and on all days careful thought is needed about the timing of activities during the day.

The 'ideal' structure for a day (on any day-release course) might be summarised as follows:

- * review of discovery exercise, which will relate the issues to be covered during the day to the students own experience
- * introduction of new information (eg on legal standards, trade union policy), through printed resource material plus some back-up tutor input
- * evaluation of information and application to real world problems through group work on problem solving exercises or case studies.

This structure reflects a student-centred approach, ensuring that the 'touchstone' for the whole day is the students' own needs and experience. The location of the major problem solving/case study/skills work in the later part of the day is valuable educationally in sustaining interest and involvement over what is a long day. It is essential to plan sufficient time for group work of this kind, since this work is the major vehicle for the acquisition of the skills which students need if they are to 'apply' the course to their real world problems. It is preferable to miss out some substantive areas and allow students to read up on these in their own time, rather than to skim the activity and case study side of the course.

STAGES OF PREPARATION

In planning a day, tutors need to think about questions of aims, methods, materials and timing.

The stages in preparing a day can be summarised as follows:

Setting aims. Each section of the course material contains a clear statement of aims at the beginning. You will need to give some thought to how these overall aims relate to the specific needs of your class. For a particular group of students, some aims may take a higher immediate priority (eg an awareness of basic legal standards may be more important for poorly organised groups than discussion of a range of trade union strategies for improving on the law).

Reviewing materials. Before getting down to detailed planning, you will need to review the printed materials relating to the day, along with the section-by-section tutors notes. These notes may also suggest supplementary case studies.

In a number of sections there is more material than can be covered in the time available. Tutors will need to use the material selectively based on judgments of the needs of their group. In such sections, a key part of the tutor's preparation will be taking decisions about which are the priority areas for their class. (Some guidance on selective use of the material is given in the section-by-section tutors' notes.)

For some sections tutors may wish to prepare supplementary material, say on local agreements, developments in union policy, or developments in the law. Tutors will certainly find it useful to do some background reading in preparation for each day. The section-by-section tutors notes give suggestions for further background reading for tutors, although it should be emphasised that this is not essential reading. The best way for tutors to keep generally up-to-date on developments in collective bargaining and the law is to look regularly at some or all of the following publications:

- Bargaining Report (Labour Research Department)
- Industrial Relations Review and Report (Industrial Relations Services)
- Incomes Data Brief (Incomes Data Services)
- Incomes Data Study (Incomes Data Services)

For further information on these publications, see the Skills section of this course.

Deciding on key activities. The activities in any day of a course are the core of the learning process. So it is important to think carefully about the range of activities in any day, relating these clearly to the aims of the day and the time available. It helps to be clear in your own mind just what skills you are aiming to develop through any activity.

Until tutors have gained some experience with the course it is probably wise to stick to the exercises and supplementary case studies provided. As tutors gain in experience of the course, they will probably want to devise alternative or supplementary exercises and case studies for some sections of the course. The text in the printed booklets is rarely linked explicitly to a particular exercise, to provide flexibility in developing new exercises or case studies. Some guidance on using and drawing up a case study is given on page 18 of these notes.

Deciding how to use printed material. There is considerably more printed resource material in this course than say on the introductory course. If students are not to feel overwhelmed by this, tutors need to think carefully about how each part of the printed material is to be used during a day of the course, so that clear directions can be given to the class.

The text in the printed booklets can be used in basically four ways:

- * as 'resource material' that students read and use themselves as part of an exercise or case study. (This is probably the most common use of the text and was illustrated by the examples of exercises described earlier.)
- * to reinforce points in a class discussion following an exercise
- * as a back-up to a brief presentation by a tutor. (This is the least common use of the text.)

* as reference materials for students to look at in their own time

Tutors should be clear in their own minds about how they intend to use each part of each section.

The printed text itself (together with the section-by-section tutors notes) give some indication of how particular parts are intended to be used. For example, text headed 'Discussion' following an exercise has the function of reinforcing points that should emerge in the class discussion following an exercise, and introducing new points, such as union policy, where relevant.

Where the instructions to an exercise require students to read through a particular piece of text, this is an indication that this text is to be treated as resource material which students work on themselves, developing the skills of extracting and evaluating information. The only tutor input required on the substantive issues involved will be a brief introduction.

The first part of every section is normally designed as a back-up to the review of the discovery exercise, reinforcing trade union objectives and introducing relevant aspects of trade union policy and the law.

If tutors are to use the text effectively to back-up class discussion they need to make themselves as familiar as possible with its contents.

There are a number of design features in the text which should facilitate its use by students and tutors:

- * a 'judges wig' symbol identifies points of common law
- * a 'parliament' symbol identifies points of statute law
- * an EEC symbol identifies references to EEC directives, etc
- * a TUC symbol identifies TUC policy extracts
- * a negotiating symbol identifies discussion on union strategy and improving on the law
- * a small group symbol identifies student activity

All extensive extracts from the law or from TUC policy, are printed on colour 'screens', together with the appropriate symbol.

'References' (to books, pamphlets, acts of parliament, etc) are picked out by colour boxes, and examples of agreements are picked out by black boxes. Both are printed on 'colour screens'.

Student activities are picked out by thicker red boxes.

Tutors should note that the layout of exercises does not usually involve sufficient 'empty space' for students full comments. This means that students will need to make their own notes on separate paper that can be

added to their files. Tutors should explain this at the beginning of the course, and then remind students when they are doing group work.

Deciding on timing. While tutors will want to maintain a certain flexibility in any day, so as to enable them to respond to students' needs, questions of timing still need careful thought during the preparation stage. It helps to have a clear idea of a timetable in your mind at the start of a day. Your planning here will be influenced by many different factors including the size of your class, their experience; abilities; level of trade union organisation, etc.

An important point as regards timing is always to make sure that you allow enough time at the end of each day to set up the discovery exercise for the next week. It is a mistake to assume that these exercises are self-explanatory. Students need to be clear about what they are being asked to do and why.

The following pages give an idea of how you might set down your plans for one day of a course, under the headings of aims, methods, materials and timing.

Aims	Methods	Materials	Timing
To introduce the students to the concept of the discovery exercise and to ensure that they understand the purpose of the exercise.	To introduce the students to the concept of the discovery exercise and to ensure that they understand the purpose of the exercise.	To introduce the students to the concept of the discovery exercise and to ensure that they understand the purpose of the exercise.	To introduce the students to the concept of the discovery exercise and to ensure that they understand the purpose of the exercise.
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COURSE PLANNING FORM

RIGHTS AT WORK

DAY 4: DISCIPLINE AND DISMISSAL

SUBJECT	AIMS	METHOD/ACTIVITY
Introduction	*to set aims for day *to give brief overview of trade union objectives and the law	<u>Tutor input</u> , using printed materials as back-up
Disciplinary procedures and the ACAS Code	*to review the experience of the class in terms of procedures and practices *to relate these to trade union standards and the ACAS Code	<u>Review of discovery exercise and class discussion using printed materials</u> as back-up and reinforcement
Law on Unfair Dismissal	*to remind students of what law says here (to some extent revision of basic course) *to develop comprehension skills	<u>Group work on self-assessment questionnaire</u> using text as information resource
Interpreting the Law	*to apply knowledge of the law *to look at how law works in practice *to compare this to the trade union approach	<u>Group work on tribunal case studies</u> , followed by <u>class discussion</u>

MATERIALS	TIMING
'Discipline and Dismissal' Introduction, 'Aims' and Disciplinary Rules and 'Procedures: An Overview' (p 1 - 3)	9 30 - 9 45
*pp 4 - 8 of printed materials on 'The Trade Union Approach' and 'ACAS Code of Practice'	9 45 - 10 45
*Also copies of <u>ACAS Code</u> itself	
Exercise on p 16, plus text on pp 9 - 15	11 00 - 11 45
*Exercise on pp 18 - 20 plus discussion text on pp 21 - 26 as a back-up to the class discussion	11 45 - 12 30 1 30 - 3 00
*Also feed in pp 6 - 7 of <u>The Legal Framework on how tribunals work</u>	

COURSE PLANNING FORM

RIGHTS AT WORK

DISCIPLINE AND DISMISSAL (contd)

SUBJECT	AIMS	METHOD/ACTIVITY
Negotiating over discipline and dismissal	*to discuss strategic questions of extent to which law can be used as negotiating argument *to develop negotiating skills	<u>negotiating role-play</u>
Review plus setting discovery work for next week		<u>Tutor input</u>

MATERIALS	TIMING
*dismissal case study from set supplied	3 15 - 4 15 (20 minutes: preparation
*ACAS Code and relevant parts of printed section as information resource	20 minutes: role-play
*Skills section: negotiating with management	20 minutes: review)
	4 15 - 4 30

RUNNING A SESSION

The key responsibilities of the tutor in actually running a day of any course are:

- * setting the aims clearly
- * setting the tone
- * organising group work
- * managing discussions

Here is a reminder of some key points to bear in mind about organising small group work:

- allocate a maximum of four to a group - work in pairs may be suitable for some projects
- make sure the task for the group is set clearly, and understood
- make sure the task is manageable
- check that the students understand their role in the group
- supervise without dominating
- change the groups for specific purposes - eg mix of abilities, experience, companies
- make sure the physical arrangements are suitable for small group work

Some key points to bear in mind about managing discussions in the classroom are:

- the tutor should be clear about the aims of the discussion
- students should be constantly asked to give examples of the point under discussion
- comparisons between experiences of students will help them to learn
- printed resource material should be used actively in discussions
- careful analysis should develop through discussion
- summary and reinforcement using appropriate educational aids is important
- an essential part of summary is consideration of implications for action

USING AND DEVELOPING CASE STUDIES

Case studies are central to student-centred learning, enabling students to 'apply' information as part of a collective problem-solving process.

While a range of case studies are included both in the printed material and in the supplementary case studies, there is also considerable scope for tutors to develop their own alternative or supplementary case studies.

These notes are designed to help tutors in this process, by briefly reviewing the different types of case studies and giving some guidelines on how to write them.

DIFFERENT TYPES OF CASE STUDIES

All case studies are to do with 'problem solving'. A distinction can be made between case studies that involve a 'role-play' element and those that do not.

There are numerous examples in the printed pack of simple problem solving case studies with no role-play element. For example, the exercise on page 7 of The Contract of Employment on 'The Trade Union Approach to Contract'; the exercise on page 26 of Wages and Conditions on 'Maternity and Members' Legal Rights'; or the exercise on page 11 of Job Security on 'Redundancy Consultation'. In all these simple case studies small groups are asked to discuss their approach to a problem (in the light of resource material provided) and report to the class. Analytical and information skills are involved. The problems aim to mirror the kinds of problem shop stewards are likely to face in these areas in the real world.

One advantage of these simple problem solving case studies is that each group can consider a range of problems (this is not usually possible because of time factors when role-play is involved) which illustrate a range of strategy issues.

Tutors may want to devise alternative case studies that are better tailored to the work situations of their particular students, or supplementary case studies that deal with topical issues.

Role-play case studies. Some of the case studies in the printed materials and all the supplementary case studies involve an element of role-play - role-playing shop stewards' meetings and discussions, or role-playing management/union negotiations.

The value of role-playing case studies is that they:

- * develop organisational skills such as giving a report, running a meeting, negotiating with management, as well as analytical and information skills
- * encourage a student centred approach by making the group as a whole the focus for giving reports, or conducting arguments, rather than the tutor
- * can provide a closer simulation of the way shop stewards will be tackling problems in the workplace

There are three broad types of role-play case studies in the course:

- * preparing and giving a report to the shop stewards' committee (eg exercise on page 21 of Union Organisation on Time-Off)

- * running a shop stewards' meeting (eg exercise on page 22 of Wages and Conditions on 'Guaranteed Earnings', case study in supplementary pack on Equal Opportunity and Race Relations)
- * preparing a negotiating case and negotiating with management (eg two case studies on Dismissal in supplementary pack, and case study on Negotiating over Maternity Leave)

Relevant parts of the Skills Section are a key back-up resource to these case studies.

Length of case studies. Role-play case studies can vary considerably in the amount of classroom time they take up. The various negotiating case studies in the supplementary pack present a good example of this. The two Dismissal case studies are designed as relatively quick negotiating exercises to pull together the threads of a day's work and highlight questions of trade union strategy. An hour should be sufficient for these (20 minutes preparation, 20 minutes role-play, 20 minutes review). A disciplined 'timetable' is always essential if a role-play is to be successful.

The case study on Negotiating over Maternity Leave is in contrast a much longer role-play involving a number of stages -

- * deciding information needs
- * getting information
- * analysing information
- * preparing case
- * negotiating with management

A whole afternoon at least would be needed for this case study.

The case studies involving 'preparing a report for the stewards' committee' can take between 2 or 2½ hours if students are to be given time to evaluate the relevant resource material, discuss strategy, and then draw up a good report, using the relevant part of the Skills Section as guidance. Where there are a number of problems in an exercise of this kind (as in the exercise on Time-Off on page 21 of Union Organisation) each group can obviously only tackle one. Each report can then be delivered to the class as part of the agenda of a shop stewards' meeting, with students acting as chairperson, secretary, etc. Explaining issues to students from other groups who have not given detailed thought to a particular problem is a valuable exercise, developing important skills of putting across complex issues, and avoiding shorthand and jargon.

While such role-plays can take up a considerable amount of classroom time, they can also be a vehicle for covering simultaneously a wide range of issues such as

- absorbing and evaluating information on the law
- applying the law to workplace problems

- taking strategic decisions about the relevance of law
- developing strategies for improving on the law
- practicing information and organisational skills

Covering all these issues separately would probably take just as much if not more time, and would also probably have less impact in terms of the learning process.

The time required for role-plays of running a meeting will clearly depend on the complexity of the problem(s) under discussion and the amount of resource material students are being asked to use. But given that the skills that are being developed are the skills of running orderly and efficient meetings which do arrive at decisions rather than dissolve into chaos, disciplined timing for such role-plays is essential, and setting a limit, such as 20 minutes, for the discussion of a particular agenda item can be very valuable. Preparation time required will obviously vary according to the complexity of the task.

Every day of a course (except perhaps the first) should involve some kind of case study, and wherever possible there should be a role-playing element. A number of 'simple' case studies in the printed pack can be adapted fairly easily into a form of 'role-play'.

Given the fact that a good case study can cover a wide range of substantive and skills questions, an emphasis on case studies need not be at the expense of the amount of substantive material covered. If there is at any point a choice between case study work that consolidates work covered, and the introduction of new substantive material, it will often be more effective in terms of the learning process to choose the case study option.

WRITING CASE STUDIES

There are five main points to keep in mind in preparing a case study:

- 1 define the aims of the case study
- 2 explain the task and method
- 3 outline the case study 'facts'
- 4 specify what resource materials are needed
- 5 decide on timing

The case studies in the case study pack illustrate how these can be set out in clear terms.

Aims and task. It is important to outline carefully the aims of any case study - both from the point of view of your role as a tutor in writing the case study and explaining it to the students, and from the point of view of the students.

The aims of a case study are usually multiple - for example

- * to develop organisational skills of participating in meetings or negotiating with management
- * to introduce new substantive information in the form of 'resource material'
- * to give students practice in 'applying' this information to particular real world problems
- * to explore questions of trade union strategy

The aims should always be made clear to the students.

The task involved in any case study must also be made very clear to the students if the exercise is to work and achieve its aims.

The case study facts. There are two 'methods' of devising case study 'facts':

- * one is to base the facts on a workplace problem that you have experienced or heard of through students
- * the other is to 'construct' the facts by working backwards from resource materials and from an idea of the key points you want to make about the law and trade union strategy

Whichever method you use, keep the facts as brief and simple as possible. And be prepared to modify the case study after trying it out.

Resource materials. Most case studies involve students using certain resource materials - either to provide information on substantive issues raised, or as a back-up to the organisational skills aspect of a role-play. It should be quite easy to develop alternative case studies that use existing printed resource materials. The main text is rarely linked explicitly to particular exercises, in order to make it more flexible.

For some case studies however, you might want to develop additional resource material.

It is important to give students very clear instructions as to what resource material they are meant to be reading and using when they carry out the case study.

Timing. The timing of a case study needs to be considered in the context of the balance and timing of an overall day of a course. Whatever timing is decided on, it is important to explain this to the students when setting up the case study, and to stick to it. Timing will normally involve three stages:

- preparation time for students (reviewing facts, preparing case or arguments, etc)
- actual 'role-play'
- review of case study by whole class

The review is crucial and should always be given adequate time. Case studies, especially role-plays, are usually enjoyable, but the educational aims shouldn't be forgotten.

COLLEGE RESOURCES

Colleges need certain basic resources for a Rights at Work course, in terms of copies of relevant Acts, supplies of free Department of Employment and DHSS leaflets, supplies of relevant TUC booklets for sale to students, and so on.

The basic resources needed are listed below:

ACTS OF PARLIAMENT

There should be sufficient copies of the following Acts to provide one each per small group (say four per class)

- * Trade Union and Labour Relations Act
- * Employment Protection Act
- * Employment Protection (Consolidation) Act

These can be obtained or ordered through HMSO.

GOVERNMENT GUIDES

The following government guides are used as resource material for exercises and case studies on the course, or are key references in the text. Colleges should keep sufficient numbers in stock to provide one copy per student.

Department of Employment Guides

- 'Written statement of main terms and conditions of employment'
- 'Procedure for handling redundancies'
- 'Employment rights for the expectant mother'
- 'Redundancy Payments Scheme'

Department of Employment leaflets can be ordered in bulk from Department of Employment, Caxton House, Tothill Street, London SW1H 9NA ('phone: 01-213 3000)

Department of Health and Social Security Guides

- 'Family Benefits and Pensions' (FBI)

'Catalogue of Social Security Leaflets' (NI 146)

'Social Security Benefit Rates' (NI 196)

'Supplementary Benefit and Trade Disputes' (SB 3)

DHSS leaflets can be ordered in bulk from DHSS (Leaflets), PO Box 21, Stanmore, Middlesex HA7 1AY

There is an order form incorporated in leaflet NI 146 'Catalogue of Social Security Leaflets'

CODES OF PRACTICE

Copies of the following ACAS Codes are required for exercises during the course. If copies cannot be made available free to each student, colleges should prepare offprints.

ACAS Code of Practice 1: Disciplinary Practice and Procedures in Employment

ACAS Code of Practice 2: Disclosure of Information to Trade Unions for Collective Bargaining Purposes

ACAS Code of Practice 3: Time-off for Trade Union Duties and Activity

The Codes of Practice cost 15p each (or £6 for 50 copies). They can be obtained or ordered by post from your nearest HMSO bookshop. The addresses of these are:

49 High Holborn, London WC1V 6HB

13a Castle Street, Edinburgh EH2 3AR

41 The Hayes, Cardiff CF1 1JW

Brazenose Street, Manchester M60 8AS

Southey House, Wine Street, Bristol BS1 2BQ

258 Broad Street, Birmingham B1 2HE

80 Chichester Street, Belfast BT1 4JY

If you are in or near London, the address for postal orders is not the High Holborn address. It is: PO Box 569, London SE1 9NH.

TUC PUBLICATIONS

It would be helpful if colleges had available to sell to students copies of the following relevant TUC publications:

- TUC Guides to the Employment Protection Act

- 1 Recognition
- 2 Redundancy
- 3 Maternity
- 4 Unfair Dismissal

- Paid Release for Union Training
- Time-off for Union Activities
- Homeworking
- TUC Charter on Facilities for the Under-Fives
- TUC Guides: Negotiating Procedures, Conduct of Disputes, Union Organisation
- Employment and Technology
- Industrial Democracy
- Race Relations at Work bulletin
- Democracy at Work (BBC/TUC)

These publications can be obtained from the TUC Postal Courses Office, Tillicoultry, Scotland, FK13 6BX.

Colleges may also wish to keep supplies for sale to students of 'Rights at Work' by Jeremy McMullen, published by Pluto Press. This is available at a reduced rate of £1.50 (instead of £2.25) for orders of 10 copies or more from Pluto Press, Unit 10, Spencer Court, 7 Chalcot Road, London NW1 8LH.

PART TWO: SECTION COMMENTARIES

COLLECTIVE BARGAINING AND THE LAW

This section is designed to take up the major part of the first day, with perhaps some material from the reference section 'The Legal Framework' fed in at the end of the afternoon.

Remember before you start the section to allow time for the students to introduce themselves, their background and experience.

The Introduction to the section Collective Bargaining and the Law (page 1) gives a very brief introduction to the course as a whole and to the form the printed material takes. You should go through this with the class and say something also about how the course will be run - the role of group work, the emphasis on 'doing rather than listening', etc.

You should then discuss the 'Aims' of the first section (p 1) with the class. (Every section of the course starts off with Introduction and Aims, you should make sure that you always go over these with the class. You will often want to return to the 'Aims' at the end of a session.)

The first activity involves small group work and report back on the Exercise 'Trade Union Attitudes to the Law' (p 2).

Since this is the first group activity of the course, you should take special care in explaining the task to the class. You will need to stress that there are no black and white answers and it is the group discussion that is most important. For the first exercise it is also important to encourage the students to make their own additional comments on the statements on separate sheets of paper, rather than simply 'ticking boxes' and leaving it at that.

Just how you use the printed discussion on pages 4 - 6 will depend on how the report back develops. You may find that you can simply point to the printed material as a useful summary and reinforcement of points that have already emerged. Or you may need to use the material as a way of introducing new discussion points. You should certainly go carefully through the summary on p 6 since these points are crucial to establishing a trade union approach to the law.

Pages 7 - 11 on The Development of Employment Law should follow on easily from the earlier discussion, filling in some vital historical background and clarifying basic concepts like 'statute law' and 'common law'. There should be no need for tutors to give more than a brief introduction to the issues raised. Students should be encouraged to think the issues through for themselves by reading pp 7 - 11 and then discussing in groups the questions on pp 11 and 12. During the report back tutors can then clarify and reinforce points as necessary.

The last part of the section focuses much more specifically on the students workplace situation. The exercise on p 13 has a number of functions. It should:

- . give the tutor valuable information about the state of organisation and immediate priorities at various workplaces. This information will be vital to planning selective use of material on the rest of the course
- . enable students to compare their workplace situations
- . give students an idea of the range of legal 'standards' that exist and provide a 'trailer' for what will be looked at on the rest of the course (the chart on pp 16 and 17 is important here)
- . illustrate concretely from the students' own experience the points made in the discussion on p 15 about the role of organisation and agreements and the role of the law in establishing rights at work

It is as well to stress when setting up the exercise that students need not worry if they do not know about the relevant laws.

In the report back tutors might like to draw up a list of examples from the class of issues where 'rights' were generally established by union organisation alone, and issues where agreements tended to follow on from the establishment of legal standards. This gives a useful focus for discussion. If there is no consistent pattern between workplace, this again is a point for discussion.

In the later part of the afternoon, tutors should at least introduce the reference section 'The Legal Framework', explaining its function. Pages 1 - 5 on The Legal System cover a range of general issues that will probably have emerged in discussion on the first day. Depending on timing, you may want to work through these pages briefly with the class, or suggest they read them in their own time. The rest of the section on tribunals, ACAS, CAC and so on should be introduced later in the course at appropriate moments.

At the end of the first day, you should leave sufficient time to explain the discovery exercise on The Contract of Employment for the next week. As well as making the task clear, you will need to explain that this activity is a key part of the course, and that students will get most out of the course if they allow sufficient time for it each week (preferably during working hours).

THE CONTRACT OF EMPLOYMENT

This section should only take approximately half a day.

The most important objective of the day is to establish a trade union approach to contract. The points in the Introduction about the legal

'fiction' of contract need heavy emphasis.

Pages 2 - 5 on The Common Law and Contracts are intended to give a clearer understanding of how judges and lawyers see 'contract' so that students can be in a position to make their own evaluation (and will be better able to understand subsequent aspects of employment law). These pages can be used as back-up to a short 'tutor input'. Page 5 on changing and ending contracts is particularly relevant to the later section Discipline and Dismissal, and should be introduced at this stage as a brief review only.

It is particularly important not to allow yourself to get sidetracked into highly technical legal discussions about whether or not a particular obligation is part of 'the contract' etc. If students bring up such questions it is crucial to set them in a trade union context that sees workplace problems as collective issues not individual questions of contract. The exercise on p 7 on the Trade Union Approach to Contract is a good way to get groups thinking about issues from this perspective. The point to emphasise on this exercise is that it is largely irrelevant from a trade union point of view whether or not the extra duties are part of the workers contract. (In any case a 'legalistic' interpretation would no doubt end up in management's favour). What is important from a trade union point of view is to focus on practical collective solutions dealing with manning levels, training, compensation for mobility, or whatever.

The discovery exercise for this section on the written statement links in with pages 8 - 11 on Statute Law and Contracts. You will need to remind students briefly of what the Contracts of Employment Act covered (p 8), but this is mostly revision from the introductory course. Before you review the discovery work, linking it to the text on pp 9 - 12, you might like to ask the students to compare briefly their findings on the discovery work in groups.

Once more the overall emphasis in class discussions should be on collective bargaining - the importance of all issues mentioned in the written statement being covered by negotiation, and the importance of the written statement itself being the subject of negotiation, so as to prevent management introducing new terms that by-pass collective bargaining.

You will see that the timetable on p 10 of these notes suggests that the rest of this day of the course is devoted to skills work on 'Using an Act' (Skills section pp 1 - 13). It is important to cover this skill early in the course since students are required in a number of sections to make sense of extracts from the law. It helps to cover the 'Making a Checklist' exercise (Skills p 8) on Day 2 of the course, since this exercise introduces the law on time off which will crop up again on Day 3 of the course.

UNION ORGANISATION

This is a section where tutors will need to use the material selectively, particularly in Part One. You will see that the timetable on p 10 of these notes suggests one day for Part One of Union Organisation, and half a day for Part Two, which deals with Industrial Action, later in the course. Union organisation is a key theme throughout the course (see p 3 of these notes) and it is important to stress this when introducing this section.

PART ONE: Developing Organisation at the Workplace

Four issues are dealt with in Part One - recognition, the closed shop, time off, and protection against victimisation. There is unlikely in a day to be enough time to cover more than two of these fully. It will be up to tutors to decide how to plan a day.

Recognition is not likely to present practical problems for stewards on courses, so this is one area that could be covered by a brief summary of key issues, leaving the students to look through the material in their own time.

The Closed Shop. The discovery exercise for the section links to the pages on The Closed Shop. It is important to at least have a discussion on this issue, given the current Government's attitude and policy. Since the discovery exercise is divided into 2 separate parts, for those who do have closed shops and those who don't, the review of this exercise should produce a useful 'debate' on attitudes to the closed shop and its practical function. A review of the discovery exercise should cover issues like:

- * the objective and value of the closed shop
- * the debate on 'coercion' v persuasion etc
- * exemptions
- * safeguards to protect abuse (union rules and procedures on expulsion, refusal of membership, etc)
- * the importance of enforcing a closed shop
- * the relevance of the law

Many of the points on pp 6 - 11 of the text on The Union Approach and What the Law Says should emerge out of this discussion. The text can then be used as reinforcement, or as a source of further information.

The exercise on Comparing Closed Shop Agreements (pp 12 - 14) can be used to develop further some of these points, and to develop skills of gutting agreements. Agreement A is from Cannon Industries, Agreement B is Jeyes Group and Agreement C is Fords.

Time-off. This is likely to be an important issue for most groups. The exercise on time-off on pp 21 - 23 is also a valuable one because of the skills element of preparing a report.

After introducing the subject, it is best to move fairly quickly into this exercise, since it requires some time to complete. Students can read through the material on the law and the code (pp 15 - 20) as part of the exercise. They should already have some familiarity with the law on time-off through the exercise in the Skills section on 'Making a Checklist'. The review of the exercise should provide an opportunity to discuss students own problems on time-off.

NB Students need copies or offprints of the ACAS Code for this exercise.

The exercise will need careful setting up, since the task is quite complex. Look back to p 18 of these notes which discuss using case studies and role-plays. Before groups start work on the problem allocated to them, you will need to direct their attention to pp 15 - 18 of the Skills section on 'Making a Report', and run over the main points.

You might need to suggest a series of 'headings' for students to use for their report in this exercise, eg

- * Introduction to the problem
- * Relevance of the law
- * Recommendations for trade union response

It helps to make it quite clear that you are not going to 'mark' their written reports, and that the only function of the written report is to help them structure a clear verbal report to the class as a whole. The verbal reports are usually less self-conscious if they are done in the framework of a shop stewards meeting which one student chairs. Students from other groups can then ask the reporter direct for points of clarification, etc as they might at a meeting.

The emphasis of this exercise is on strategic thinking about how to respond to legalistic arguments, rather than on 'the law' as such. Nevertheless, in the class discussion afterwards it will be useful to refer to the tribunal decisions on pp 24 - 25, if only as a reinforcement of the unreliability of the law. The exercise will also have raised issues of how to improve on law, and pp 25 - 27 on Agreements and Time-off will provide useful back-up and reinforcement for such discussions.

Protection Against Victimisation. The main emphasis here is on the weakness of the law and the importance of trade union strategies. The exercise on p 32 raises these issues. Students can read pp 28 - 31 on the law as part of this exercise.

PART TWO: Industrial Action

This part of the section may well be covered on a later day of the course. It is obviously a key area in terms of topical relevance, and a historical perspective.

The introduction to this part of the section should cover the points on pp 33 - 34 on The Trade Union Perspective. Additional case study material can be introduced here to explore questions of trade union strategy and tactics on different forms of industrial action.

The key activity is the exercise on p 43 on Industrial Action and the Law. To do this students will need to read pp 35 - 42. A major aim of this exercise is to establish an understanding of why traditional statutory immunities are so important and fundamental, even though they can sound rather technical and legalistic. When discussing this exercise tutors can feed in the examples of cases on pp 44 - 46. The current Government's legislative approach and the trade union response will also be an important issue. You may want to introduce additional material here.

Tutors may also want to 'feed in' various parts of the reference materials on pp 47 - 50, on occupations and the law, the war-time prosecutions in the Kent coalfields, and TUC guidance on picketing.

BACKGROUND READING FOR TUTORS

Recognition	'ACAS Recognition Reports and Their Aftermath', Industrial Relations Review and Report, No 189, December 1978
Closed Shop	Governments legislative proposals - reprinted in Department of Employment Gazette, July 1979, 'Industrial Relations Proposals, the Working Papers'
Time-off	'Law at Work: Time off' Bargaining Report No 3, July/August 1979 (published by Labour Research) 'Time-off Agreements in the New Legal Context', Industrial Relations Review and Report, No 193, February 1979 'TUC Advice on Time-off', TUC Industrial Relations Bulletin, No 4, April 1978. (Make sure you get copies of this bulletin through your REO).
Protection against victimisation	'Protection for Union Activities', TUC Industrial Relations Bulletin, No 6, November 1978
Industrial Action	Governments legislative proposals on picketing etc - reprinted in Department of Employment Gazette, July 1979 Labour Research articles, February 1979, September 1979

DISCIPLINE AND DISMISSAL

This section was used as an example for 'Planning a Day' on pp 16 - 17 of these notes. You might like to look back to this for guidance.

The discovery exercise as you can see links in with the text on pp 4 - 8. The main aim here is to encourage students to evaluate whether the standards of the ACAS Code offer any levers at all for improving their own procedures, and to relate the ACAS Code to trade union standards. (When setting this exercise the week before, you might like to refer students to the model report on p 16 of the Skills section, since it deals with this topic.)

The exercise on The Law on Unfair Dismissal (pp 16 - 17) can be treated as a 'self-assessment' exercise without any class report back. To a large extent it goes over introductory course material anyway, although in somewhat more detail. The extent to which students have understood the operation of the law should emerge when they do the exercise on p 18 on Interpreting the Law. The ten cases in this exercise are too much for any one group to consider. You might want to select cases for consideration, or split the ten cases up between the different groups. In handling the report back on these cases you should make sure that you deal with both aspects of the exercise - ie both what tribunals said and how such cases would be handled in negotiations. The aim should be to constantly compare and contrast these two approaches.

Before the exercise on Interpreting the Law, it is useful to go quickly through pp 6 - 7 of The Legal Framework on Industrial Tribunals, with particular emphasis on precedent and the role of the EAT.

It is particularly valuable to end this day with a quick negotiating exercise (as the plan on pp 16 - 17 of these notes suggests) since this serves to focus attention away from tribunals and back to the question of the law as a possible tool in negotiations.

BACKGROUND READING FOR TUTORS

Incomes Data Services Handbook, No 1 'Unfair Dismissals'

'The Constructive Dismissal Paradox', Industrial Relations Review and Report, No 168, January 1978

'An Assessment of the First Year of the EAT and the Law on Unfair Dismissal', Industrial Relations Review and Report, No 152, May 1977

'The Law of Unfair Dismissal: Refusal to Change Contractual Duties', Industrial Relations Review and Report, No 166, December 1977

TUC Industrial Relations Bulletins - No 4 (Constructive Dismissal), No 8 (Dismissal for Refusal to Accept Changes Terms and Conditions)

WAGES AND CONDITIONS

The main emphasis of a day on Wages and Conditions should be on using the law (where it exists) in negotiations. This means focusing on the activities in Part Two of the section on guaranteed earnings, maternity leave and schedule 11.

PART ONE: Basic Legal Standards

The material in Part One reviewing basic legal standards can be used fairly flexibly throughout the day. It can be used to back up references in the Introduction to historical legislation like the Truck Acts, protective legislation for women, and Trades Boards or Wages Councils. It can also be used to introduce topics selected as the focus of more detailed activity.

An important point to emphasise at the beginning of the day is the total absence of any legal standards in some vitally important areas of wages and conditions - such as sick pay. This means that 'best practice' established by unions is the only source of standards. There is a discovery exercise on sick pay that should be used to bring out this point.

Discovery exercise - sick pay

This discovery exercise should be used to carry out a comparison of sick pay provisions between students in the class. It is a useful idea to take photocopies of everyone's response, to make comparisons easier. The TUC standards set out on page 7 of the text can be used as a reference point for the discussion.

Another useful reference point is the Agreements File on Sick Pay in Bargaining Report No. 1, March/April 1979. If offprints of this can be obtained, it is a very useful classroom resource. The headings used in the discovery exercise are based closely on those in the Agreements File, which facilitates its use.

The discovery exercise could be followed up by a brief activity that gets students to identify the weaknesses of their own agreements and suggest negotiating targets for improving them, using the comparability data they have acquired as back-up.

PART TWO: Using the Law

Tutors will need to use material selectively here according to the needs of their group. The options are

- schedule 11
- guarantee payments
- maternity and paternity leave

It is unlikely to be possible to cover more than two of these options at the most. Whichever options are selected, the main aim is to see how the law can be used as a 'tool' in negotiations to establish and improve rights at work.

Schedule 11. This will not be relevant to many students, if they are covered by national agreements. If this is the case, there is no point in spending class time on it.

The main aim here is not just to put across what the law says, but to encourage students to think critically whether and how they can use the law to help their members in negotiations. The key is therefore the exercise on p 17. To do the exercise students will need to read through pp 13 - 17. There is no need for extensive tutor explanation. The report-back on the exercise may well range over general issues relating to comparability claims, as well as the specific principles of schedule 11.

Guaranteed earnings. Again it is the exercise (p 22) that acts as a focus for getting students to think about the relevance of the law as a negotiating tool and source of standards to improve agreements. To do the exercise, students will need to read through pp 18 - 22. There is no need for extensive tutor input. This exercise introduces a role-play element of Running a Meeting, so pp 19 - 21 of the Skills section are relevant here. Look back to pp 18 - 23 of these notes on using case studies and role-plays to help you prepare for this part of the day. The agreement on p 23 is from the drug and fine chemical industry.

Maternity and paternity leave. Since many students may not have negotiated maternity and paternity agreements, the emphasis of the exercise here (p 26) is on using a knowledge of basic legal standards to deal with members problems. Students need copies of the Department of Employment guide 'Employment Rights for Expectant Mothers', to compete this exercise. The report-back can be linked to the discussion on

pp 29 - 31. The report-back is also likely to raise questions of improving on the law; pp 31 - 36 are relevant here. Issues not covered by the law, such as paternity leave, and non-personal sickness leave need to be stressed. (NB There is a negotiating exercise on Negotiating over Maternity Leave among the supplementary case studies which can be used as part of the day on Disclosure of Information. This can raise again in a very practical way questions of improving on the law.)

BACKGROUND READING FOR TUTORS

Schedule 11	TUC Industrial Relations Bulletins, Nos 6 and 8 Bargaining Report No 3, May/June 1979 (Law at Work: 'General Level' Schedule 11 Claims)
Guaranteed earnings	'Lay-offs and the Law', Industrial Relations Review and Report, No 193, February 1979 Incomes Data Study, No 128 'The Guaranteed Week'
Maternity and paternity	'Case Law under the new Jurisdictions: Pregnancy Dismissal and Maternity Leave', Industrial Relations Review and Report, No 162, October 1977 'Maternity Agreements: A Review of Current Provisions', Industrial Relations Review and Report, No 162, October 1977

JOB SECURITY

The key issue that needs thought in planning a session on job security is how to deal with the divergency between the trade union approach to job security and the legal approach to job security (or more accurately, redundancy). It is important that the trade union approach is developed fully at the beginning of the session, and that the law is constantly evaluated against these union objectives. Some important points can be brought out of this day on the trade union approach to the law in general - eg does the law sometimes undermine a union reps position, making it harder for him or her to develop and win membership support for strategies to resist redundancy.

The material in this section will have to be used with a certain selectivity.

The Introduction to the section contrasts the trade union and legal approaches to job security and tutors should go through these points carefully.

PART ONE: The Trade Union Approach

Before moving on to the material on Union Objectives (pp 2 - 3) it helps to review briefly at least the first five questions in the discovery exercise. This review can serve as a brief overview of some of the issues to be covered in the day, and should also be linked in to the union objectives on pp 2 - 3. When you deal with 'avoiding job loss' (p 2) and creating jobs (p 3) you could go back to the remaining questions on the discovery exercise on strategies for maintaining or expanding the size of the workforce. The concept of alternative workers plans, and examples of groups of workers who have considered this strategy, might be introduced here.

This discussion should lead in to the material on The Economics of Job Security (pp 4 - 8). The factors behind rising trends in unemployment, picked out on pp 5 - 6 of the text, can be linked back to students own experience as brought out by the discovery exercise - in particular questions 1 and 5 which dealt with reasons for redundancy or job loss. Tutors may want to develop some additional material here, relating specifically to local job security and employment trends, rather than national aggregates. The points on p 7 about the costs of unemployment and in particular the impact on women, blacks and young people, can be used to develop the 'equal opportunities' theme.

The extracts from the TUC report 'Employment and Technology' in the reference materials on pp 35 - 36 can be used as illustrations of future possible threats to job security, and to reinforce the points about the need for new trade union strategies (see p 8 of the text). This question of new trade union strategies that go beyond the more traditional 'temporary' strategies like halting recruitment, etc, needs strong emphasis before you move on to Part Two of the section on 'Redundancy and the Law'. There is scope for developing case studies related to local developments that bring out these questions of trade union strategy. Another key area that might be covered by case studies is persuading members to fight redundancies and job loss.

PART TWO: Redundancy and the Law

The main activities on 'Redundancy and the Law' are the exercise on p 11 on Redundancy Consultation and the exercise on p 24 on Handling Unavoidable Redundancies.

Redundancy Consultation can be linked back to the question of the time needed to develop positive trade union alternatives to redundancy. Clearly the legal minima (especially after the Conservative amendments) are in no way adequate here. The points in the summary on p 14 on improving on the law need stressing. (Note that students need copies of the Department of Employment leaflet 'Procedures for Handling Redundancies' to do this exercise.)

When dealing with Handling Unavoidable Redundancies, the text on pp 15 - 23 should be treated as student resource material for the exercise on p 24. While all groups should consider questions 1 and 7, you might want to divide the 'problem-solving' questions between the groups, if time is limited.

In reviewing these problem-solving questions, it is important to emphasise the trade union and negotiating points and to look always at the limitations of the law. For example, question 2 raises the question of the trade union attitude to voluntary redundancy, as well as more narrow legal points; question 4 raises the question of how unions can improve on the law through negotiations so that they do not have to get bogged down in legalistic arguments about what is 'suitable' and what is 'reasonable'. Note that on question 6, case law has established that there is no need for employees to provide proof of interviews (*Dutton v Hawker Siddeley Aviation*, 1978).

Discussion on question 7 is important to reinforce the limitations of the legal approach to redundancy. The discussion on this question should be linked to the text on Redundancy Law and Trade Union Objectives on pp 26 - 27. This provides an opportunity to raise the question of why certain laws are passed at a particular point in time, and how these laws reflect political and economic circumstances.

The final part of the section Improving on the Law (pp 28 - 30) raises questions of both tactics and principle. Is it too late to negotiate improved redundancy provision when redundancy has already been accepted? Does negotiating job security agreements in 'good times' discourage members from opposing redundancies? The exercise on p 31 on Job Security Agreements can provide a concrete way of discussing these issues. It also serves as a form of 'revision' of Part Two of the section on Redundancy and the Law. The agreement here is between ASTMS and Iron Trades Employers Assurance.

BACKGROUND READING FOR TUTORS

Bargaining Report, No 3, July/August 1979 (Labour Research) - Agreements File on 'Redundancy and Job Security Schemes'

CIS Report 'The New Technology', Counter Information Services, 9 Poland Street, London W 1, price 75p

'Lucas: An Alternative Plan', Institute for Workers' Control, Pamphlet No 54, 30p

'Lucas Aerospace Workers' Campaign', Dave Elliott, Young Fabian Pamphlet No 46, 60p

Workers Control Bulletin, No 1 1979, 'An Alternative Strategy for Power Engineering', by C A Parsons Shop Stewards

'A Workers' Enquiry into the Motor Industry', CSE Books, £2.25

'Building a Chieftain Tank and the Alternative', Vickers National Combine Committee of Shop Stewards, 10p (from Convenor, Vickers Elswick, Newcastle upon Tyne)

DISCLOSURE OF INFORMATION

A major part of a day on Disclosure of Information should be allocated to a negotiating case study. This is the best way to deal concretely with the questions of how to decide what information you need, how to get it, and how to use it.

These issues should be the main focus of the day, rather than the law. At the same time, students need to be given a chance to assess for themselves the usefulness of the law.

Pages 2 - 4 of the printed section on Sources and Types of Information should be used as back-up and reinforcement for the review of the discovery exercise.

In dealing with Information and the Law (pp 5 - 14) tutors should not spend long on reviewing the range of legislation, but should move fairly quickly into the exercise on the Employment Protection Act provisions and the ACAS Code (p 9). Note that students need copies of the ACAS Code for this exercise, and also need to refer to the Skills section. The material on pp 10 - 14 can be used flexibly as back-up for the review of this exercise.

Pages 15 - 17 can be used as a brief introduction to a role-play exercise on disclosure, since they review the key issues shop stewards need to consider if they want to use information to develop negotiating strategies. There is a negotiating case study in the supplementary pack on 'Negotiating over Maternity Leave' that involves disclosure of information. Remember to go through pp 22 - 25 of the Skills section on Preparing a Case and Negotiating with Management before embarking on such a case study.

The final part of the printed section on Information Agreements (pp 18 - 20) might be introduced at the end of a day if there is time.

BACKGROUND READING FOR TUTORS

TUC Industrial Relations Bulletin, No 7, January 1979

Labour Research, March 1979

WOMEN'S RIGHTS

You might like to look back at the comments on 'equal opportunities' as a theme on p 4 of these notes. Although questions of women's rights should have been raised through case studies and exercises already on the course, it is still important to cover this section, even if the class is composed of predominantly male stewards who do not represent any women. The question of general attitudes to women's rights, raised by the exercise on p 3 are still important here, as is the question

raised in the Introduction of why there are few or no women in certain occupations. You will need to use the material with a certain flexibility according to the workplace situations of the students.

The Introduction will be very important for setting the tone of the session. The fact that low pay and low levels of organisation among certain groups are a threat to all trade unionists needs to be stressed.

It often helps to start off the session with the question of attitudes to women, raised in the exercise on p 3. This can be used to establish a clear trade union approach, based on the discussion points on pp 4 and 5.

A review of the discovery exercise will then help to focus in on students own experience. Part One of the exercise on Women in the Union links to pp 6 - 9 of the text. The exercise on p 9 is a good way to pull together the threads here, before reviewing the second part of the discovery exercise. The exercise should encourage students to think in very concrete terms of strategies and priorities. Question 4 about action needed to implement these strategies is particularly important.

Part Two of the discovery exercise on Women in Employment leads in to the text on Equal Pay and Opportunity - the Law on pp 10 - 19. Question 7 of the discovery exercise can be linked specifically to the three aspects of the Equal Pay Act outlined on p 10.

A good way to give students a familiarity with the law, and encourage them to consider its relevance to workplace problems, is through case studies like the ones on p 20. The detailed material on the law on pp 11 - 19 becomes resource material for these case studies. While the law has some relevance to each of the cases on p 20, students will have to assess just how much use the law is, and how much they should rely on the law in negotiations. The cases also raise more general industrial relations issues of pay structures, training, union organisation, relations between different groups of members, and so on. It is these issues that need to be emphasised, rather than the narrow legal issues.

It is up to tutors to decide whether to allocate one problem per group, and perhaps then do a role play of giving reports to a stewards meeting, or to ask each group to consider all three cases more briefly.

The review of this exercise (or new case studies on similar lines) should lead in to the issues discussed on pp 22 - 25 on Negotiating for Equal Opportunity. The exercise on Negotiating for Equal Opportunity on p 26 provides a mechanism for encouraging students to 'apply' the issues raised and discussed in these pages to their own workplace situation and to think once more in terms of concrete strategies and priorities.

The reference materials on pp 26 - 30 on workplace nurseries, home-workers, and women and new technology can be fed in flexibly according to the needs and priorities of the group.

BACKGROUND READING FOR TUTORS

'Equal Pay and Opportunity', P Glucklich, etc, Department of Employment Gazette, July 1978

'The Part Time Trap', J Hurstfield, Low Pay Unit

'The Equality Report, Jean Coussins, NCCL, 1977,

'Office Technology', APEX

EQUAL OPPORTUNITIES AND RACE RELATIONS

You might like to look back at the comments on 'equal opportunities' as a theme, on p 4 of these notes. This section, like the one on women, is an important one to cover, even if students themselves are quick to say they have no problems and would rather spend the time on something else. It can be a difficult section to handle, often involving very emotional arguments in the classroom. It is certainly a section which tutors should always be prepared to handle flexibly according to the needs and views of the class. If there are very few or no black workers among the workforce in your area, you would need to concentrate more on the wider questions of racialism and trade union policy (see pp 14 - 17). The printed material is designed as a core resource which can be built on through the development of case studies, etc.

Setting the tone in the introduction to this section will be particularly important. The 'three reasons' in the Introduction to the printed material on why equal opportunity and race relations are important will need working through in some detail. The relevance of race relations to questions of union organisation and collective bargaining which are central to the whole of this course should be stressed.

The discovery exercise that goes with this section links in with the printed text. Questions 4 - 7 of the discovery exercise link to pages 3 - 5 on 'Black and Immigrant Workers in the Union'; questions 3, 8 and 9 should lead in to pages 6 - 13 on 'Negotiating for Equal Opportunity'. The emphasis here should be on negotiating strategies, rather than the law.

The exercise on Equal Opportunity agreements (p 9) can make a good follow-up to the review of the discovery exercise. The text on pp 10 - 13 can be used as an illustration of some of the questions that need to be considered to make an 'equal opportunity clause' more than just a piece of paper. The points are by no means exhaustive.

A good way to get the group thinking about strategies on race relations in a concrete rather than an abstract way (including all the very real problems of racial tensions in a workplace) is to introduce some kind of role-play case study. A sample case study on race relations involving a role-play of a shop stewards' meeting is included in the supplementary case study pack. Such a case study need not take more than an

hour to prepare, run and review.

The next part of the section on 'Campaigning against Racism' (p 14) is important to widen the perspective beyond the workplace to include discussion of trade union and trades council involvement in community campaigns against racism. You might want to introduce the material on 'Myths and Facts' (p 15) earlier in the session if some of the 'myths' come up in class discussions.

There needs to be strong emphasis on trade union policies urging active opposition to racism, and on the responsibilities of trade unionists to put these policies into practice.

The final part of the section 'Reviewing Strategy' contains an exercise which can be used to pull together all the threads, and encourage students to isolate specific priority areas for action in their workplace and community.

BACKGROUND READING FOR TUTORS

'The Facts of Racial Disadvantage', David Smith, PEP, 1976

SOCIAL SECURITY

A session on this topic can aim to do no more than briefly introduce the range of benefits available and give students the skills to be able to find the necessary information to advise members on their basic rights.

After a brief introduction explaining the range of benefits and the difference between contributory and non-contributory benefits (pp 2 - 4), it is best to move straight into the exercise on 'Advising Members on Social Security' (p 5). Students will need copies of FBI 'Family Benefits and Pensions' to do this exercise, and you will need to explain briefly how the booklet is organised and how to use the contents list or index. The discussion on pp 6 - 13 can be used as back up material for reviewing the exercise.

It is important to cover the material on Strikes and Social Security (pp 14 - 15), given some of the current debate on this issue.

The material on Trade Union Objectives and Social Security (p 16) can be used to round off the session and put the issues covered in a broader trade union perspective.

BACKGROUND READING FOR TUTORS

'Financing Strikes', John Gennard, McMillan, 1977

Labour Research, April 1979, 'Social Security in Strikes'